

Betty Herrera, Esq. (CSBN 242189)
UNITED DISABILITY LAWYERS GROUP
285 N. Hill Avenue, Suite 100
Pasadena, California 91106
Telephone (401) 400-4276
Fax (626) 696-3339
bherrera@uniteddisabilitylawyers.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BEATRICE CANELA,)	
)	
Plaintiff,)	No. 2:20-cv-2452 DB
)	
v.)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
KILOLO KIJAKAZI,)	FEES AND EXPENSES PURSUANT
Commissioner of Social Security,)	TO THE EQUALLY ACCESS TO
)	JUSTICE ACT, 28 U.S.C. § 2412(d),
<u>Defendant.</u>)	AND COSTS PURSUANT TO
)	28 U.S.C. § 1920 AND ORDER

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that BEATRICE CANELA be awarded attorney fees and expenses in the amount of SIX THOUSAND THREE HUNDRED DOLLARS (\$6300.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to BEATRICE CANELA, the government will consider the matter of BEATRICE CANELA assignment of EAJA fees to Betty Herrera. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are

subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to BEATRICE CANELA, but if the Department of the Treasury determines that BEATRICE CANELA does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Betty Herrera, United Disability Lawyers Group, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Betty Herrera.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that BEATRICE CANELA and/or Betty Herrera including United Disability Lawyers Group may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Betty Herrera and/or United Disability Lawyers Group to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Dated: 12/19/2022

UNITED DISABILITY

By: /s/ Betty Herrera
BETTY HERRERA
Attorneys for Plaintiff

Dated: 12/19/2022

TRACY L. WILKISON
United States Attorney

By: /s/ Lisa Goldoftas*
Lisa Goldoftas

* By email authorization on 12/19/2022
Special Assistant US Attorney
Attorneys for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses:

IT IS ORDERED that fees and expenses in the amount of SIX THOUSAND THREE HUNDRED DOLLARS (\$6300) as authorized by 28 U.S.C. § 2412, and costs in the amount of \$0.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Any payments made shall be delivered to:

Ms. Betty Herrera
United Disability Lawyers Group
285 N. Hill Avenue, Suite 100
Pasadena, California 91106

DATED: January 10, 2023

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE